

KASSON TOWNSHIP
LEELANAU COUNTY

ORDINANCE NO. 2016-03

AMENDMENT TO THE KASSON TOWNSHIP ZONING ORDINANCE

AN ORDINANCE TO AMEND THE KASSON TOWNSHIP ZONING ORDINANCE TO AMEND REVIEWING AUTHORITY OF PLANNING COMMISSION DECISIONS, TO CLARIFY AND EXTEND TIME-LIMITS ON COMPLETION REQUIREMENTS FOR SOME PLANNED DEVELOPMENTS, TO REQUIRE ESCROW DEPOSITS FOR VARIABLE COSTS AND EXPENSES, AND TO REDUCE THE MINIMUM LOT SIZE FROM 10 ACRES TO 5 ACRES IN THE FORESTED DISTRICT.

KASSON TOWNSHIP HEREBY ORDAINS:

Section 1. AMENDMENT OF ZONING ORDINANCE

The Kasson Township Zoning Ordinance is hereby amended in the following manner (TEXT ADDITION – shown as bold, italics, all caps, Deletions – shown as strikethrough, bold, italics.):

Section 2. CHAPTER 7 SPECIAL LAND USES and SPECIAL USE PERMIT REQUIREMENTS; Section 7.3 – REVIEWING AUTHORITY is amended as follows:

SECTION 7.3 REVIEWING AUTHORITY

All applications for Special Use Permits shall be considered by the Planning Commission. The Commission shall have the authority to grant, to deny, or to grant with conditions such Special Use Permits. The Commission's determination shall be considered final. ~~and may be appealed to the Zoning Board of Appeals and thence to the Circuit Court of Leelanau County."~~

Section 3. CHAPTER 8 DEVELOPMENT SITE PLAN REVIEW; SECTION 8.4 REVIEWING AUTHORITY is amended as follows.

SECTION 8.4 REVIEWING AUTHORITY

The Planning Commission, or its qualified designee, shall review development site applications in accordance with the standards presented in this Chapter and Ordinance. The Planning Commission shall review the site plan application and its designee's report, and shall thereafter approve, approve with conditions, or deny the request for development site plan approval. ***THE PLANNING COMMISSION DECISION SHALL BE FINAL.***

Section 4. CHAPTER 8 DEVELOPMENT SITE PLAN REVIEW; SECTION 8.14

APPEAL OF SITE PLAN REVIEW DECISIONS is deleted in its entirety.

SECTION 8.14 APPEAL OF SITE PLAN REVIEW DECISIONS

~~Any persons aggrieved by the decision of the Planning Commission in the approval or denial of a site plan review may appeal said decision. to the Zoning Board of Appeals. The appellant shall file a letter with the Zoning Administrator within ten (10) days of the decision of the Planning Commission on the site plan. The appellant's letter shall specify the grounds for the appeal, and the appeal shall be limited to the issues raised in the letter.~~

~~In its review of the decision, the Zoning Board of Appeals shall consider the following:~~

- ~~1. The appellant's letter and validity of grounds for appeal.~~
- ~~2. The minutes taken during the Planning Commission's review of the site plan.~~
- ~~3. Any other documentation presented to the Planning Commission prior to its decision on the site plan.~~
- ~~4. Any verbal or written information presented to the Zoning Board of Appeals in response to a request for the information by the Zoning Board of Appeals. However, any verbal information presented to the Zoning Board of Appeals must be at a meeting of the Zoning Board of Appeals.~~

~~In its determination of the appeal, the Zoning Board of Appeals may take any of the following actions:~~

- ~~1. Affirm the decision of the Planning Commission with or without modification.~~
- ~~2. Refer the matter back to the Planning Commission for further consideration, study, or additional documentation. The Zoning Board of Appeals shall inform the Planning Commission of the issues that it believes are in need of further consideration, study or documentation. Once the Planning Commission has examined the issues it shall send the matter with a report back to the Zoning Board of Appeals for a decision.~~
- ~~3. Reverse the decision of the Planning Commission if the decision is not in accordance with the intent and purpose of this Ordinance.~~

Section 5. CHAPTER 4 DISTRICT REGULATIONS; SECTION 4.11.11 TIME LIMIT FOR APPROVED PLANNED DEVELOPMENTS is amended, and will now read, as follows:

SECTION 4.11.11 TIME LIMIT FOR APPROVED PLANNED DEVELOPMENTS

- A. Construction of an approved planned development shall commence and shall proceed **meaningfully** towards completion within ~~one TWO (1)~~ (2) yearS from the date of the approval of the planned development by the Township Board.
- B. If the planned development has not commenced and proceeded **"meaningfully"** towards completion at the end of the initial ~~one TWO (1)~~ (2) year time period, or the one permitted extension thereof, then the planned development approval shall automatically become invalid and void and the property will revert back to the prior zoning.

- C. The owner or applicant of the planned development may apply to the Township Board for one (1) extension of the original approval for an additional term of ~~one TWO (1)~~ (2) yearS. The Township Board may, in its discretion, authorize this extension. In considering such authorization, the Township Board shall use the following standards:
1. The planned development has encountered unforeseen difficulties beyond the reasonable control of the owner or applicant.
 2. The planned development is likely to commence and to be completed.

Section 6. CHAPTER 10 ADMINISTRATION AND ENFORCEMENT; Section 10.10, ESCROW DEPOSITS FOR VARIABLE COSTS AND EXPENSES is added and will read as follows:

SECTION 10.10 ESCROW DEPOSITS FOR VARIABLE COSTS AND EXPENSES.

ANY APPLICANT FOR ANY LAND USE PERMIT MAY BE REQUIRED TO DEPOSIT FUNDS TO DEFRAY ANTICIPATED VARIABLE COSTS AND EXPENSES INCURRED BY THE TOWNSHIP WHERE PROFESSIONAL INPUT, STUDY OR REVIEW IS DESIRED BEFORE A FINAL DECISION IS MADE. SUCH ESCROW DEPOSITS MAY BE USED TO PAY THE ACTUAL PROFESSIONAL EXPENSES OF COMMUNITY PLANNERS, ENGINEERS, ATTORNEYS, AND OTHER PROFESSIONALS WHOSE EXPERTISE THE TOWNSHIP VALUES TO PROVIDE GUIDANCE ON THE PROPOSED APPLICATION. SUCH APPLICATIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, SITE PLAN APPROVAL, SPECIAL USE PERMIT, PLANNED UNIT DEVELOPMENT, OR CONDITIONAL USE PERMITS.

Section 7. CHAPTER 4 FORESTED DISTRICT (FR); Section 4.7.3 DEVELOPMENT STANDARDS, §A. is amended and will read as follows:

SECTION 4.7.3 DEVELOPMENT STANDARDS

- A. Minimum Parcel Size: ~~Ten (10)~~ FIVE (5) ACRES; or one dwelling unit per five (5) acre density, with seventy (70%) percent permanently preserved unbuilt reserved land in accordance with Section 4.11, Planned Development.

Section 8: Effective Date

This Ordinance shall become effective thirty (30) days after publication in accordance with law.

At a regular meeting of the Township Board for Kasson Township held on the 2nd day of May, 2016, R. Noonan moved for adoption of the foregoing ordinance and Julian supported the motion.

Voting for: Cruz, B. Noonan, Julian, Lanham, R. Noonan.

Voting against: None

The Township Supervisor declared the ordinance adopted.

/s/ Frederick Lanham
Frederick Lanham
Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2016-03 which was enacted by the Township Board for the Kasson Township at a regular meeting held on May 2, 2016.

/s/ Traci J. Cruz
Traci J. Cruz
Township Clerk